

#### NIAGARA COUNTY LEGISLATURE

NIAGARA COUNTY COURTHOUSE LOCKPORT, NEW YORK 14094-2740 • (716) 439-7000 • Fax: (716) 439-7124

WILLIAM L. ROSS CHAIRMAN

MARY JO TAMBURLIN CLERK OF THE LEGISLATURE

December 19, 2014

Environmental Management Support, Inc. Attn: Mrs. Edie Findeis Cromwell 8601 Georgia Avenue, Suite 500 Silver Spring, MD 20910

RE: Hazardous Substance Brownfield Assessment Grant Application for Niagara County, NY

Dear Mrs. Findeis Cromwell:

Please find enclosed Niagara County, New York's application to the United States Environmental Protection Agency for a \$200,000 community-wide hazardous substance assessment grant. Niagara County is located in the extreme northwest corner of New York State with borders along Canada, the Niagara River, and Lake Ontario. The County is 523 square miles incorporated into twenty municipalities that range from three declining industrial cities, five villages, and twelve rural and suburban townships. Niagara County is home to one of the most remarkable natural wonders of the world – Niagara Falls.

The departure of heavy manufacturing industries in the three cities left a legacy of toxic contamination that has significantly challenged Niagara County's environmental quality. As home to *Love Canal*, the birthplace of the federal Superfund Program, Niagara County has well-documented evidence of the impact of brownfield contamination on health, welfare, quality of life, and the environment. Niagara County's brownfield inventory includes 241 hazardous substance sites including former dry cleaners, paper mills, cold storage facilities, chemical manufacturers, lumber facilities, heavy industrial manufacturers, and military bases ranging in size from 0.1 acre to 325 acres. Past assessment work has revealed asbestos, chlorinated solvents, heavy metals, polychlorinated biphenyls (PCBs), petroleum products, and radioactive materials. Many of the sites are abandoned, remain unsuitable for redevelopment, are community eyesores, and drain the economic vitality of the area. The community-driven assessment of these sites, and their eventual cleanup, will provide substantial economic opportunity, improved quality of life, and a methodology for reversing the out-migration of people, jobs and capital from the county.

The following information is provided as requested.

a.) Applicant Identification:

Niagara County, New York Department of Economic Development Vantage Center - Suite One 6311 Inducon Corporate Drive Sanborn, NY 14132 b.) Applicant DUNS Number: 067523886

c.) Funding Requested:

Grant Type:

Assessment

Federal Funds Requested:

\$200,000

Contamination:

Hazardous Substances

Grant Type:

Community-wide

d.) Location:

The grant will serve Niagara County, New York

e.) Contacts

i.) Project Director

Amy E. Fisk, AICP, Senior Planner

Niagara County Department of Economic Development

Vantage Center – Suite One 6311 Inducon Corporate Drive

Sanborn, NY 14132

Phone: (716) 278-8750; Fax: (716) 278-8757

E-mail: amy.fisk@niagaracounty.com

ii.) Highest Ranking Elected Official William L. Ross, Chairman Niagara County Legislature

175 Hawley Street Lockport, NY 14094

Phone: (716) 439-7177; Fax: (716) 439-7124 E-mail: william.ross@niagaracounty.com

f.) Date Submitted:

December 19, 2014

g.) Project Period:

October 1, 2015 to September 30, 2018

h.) Population:

215,869

i.) Other Factors Checklist:

See attached

The requested grant funds will build on Niagara County's brownfield inventory, assessment, and remediation efforts over the past fifteen years and allow Niagara County to build on the community support and momentum created thus far.

Thank you for your consideration of this request. If you have any questions or need additional information, please feel free to contact Ms. Amy Fisk, AICP, Senior Planner at (716) 278-8750.

Sincerely,

William L. Ross, Chairman Niagara County Legislature

#### **Ranking Criteria for Assessment Grants**

#### V.B.1 Community Need

**V.B.1.a.i** Targeted Community Description - Niagara County is located in the extreme northwest corner of upstate New York State (NYS) with borders along Canada, Niagara River, and Lake Ontario. The County is incorporated into twenty municipalities: three declining industrial cities, five villages, and twelve rural/suburban townships. Niagara County is home to a natural wonder, Niagara Falls, which was once the site of the greatest hydroelectric power developments in the world.

The heyday of the industrial era in the City of Niagara Falls lasted from 1901 - 1956. As a result of cheap hydropower electricity, chemical manufacturing companies such as Carborundum, Union Carbide, Hooker Chemical, Acheson Graphite Company, and International Paper located in the city. These plants and others were involved in producing carbide and artificial abrasives, phosphorus, chlorine, bleach, aluminum, chlorates, ammonia, bleach, benzoyl, and hydrochloric acid. In the 1940's, companies in Niagara Falls produced over 400 tons of chlorine daily which was the highest chlorine production in the U.S. The prosperity of the City came to a halt in 1956 when retaining walls around the hydropower plant failed, destroying the plant. Until a new plant was constructed in 1963, power had to be brought in from distant sources. Local factories were forced to relocate, resulting in the loss of over 10,000 manufacturing jobs from 1958 - 1963.

The history of the City of Lockport is tied to the Erie Canal and industry spawned by waterpower. Hydraulic power and accessible transportation made the City an attractive location for cotton, flour, paper, steel, and saw mills. The City was home to Western New York (WNY)'s largest employer, Delphi Harrison Thermal Systems, a Division of General Motors. As a result of canal use shifting from transport and commerce to recreational use and disruptions in the automotive industry, the City experienced significant industrial downsizing.

Located at the terminus of the Erie Canal and along the Niagara River, the City of North Tonawanda became an important shipping and logistics location within North America, linking the Upper Great Lakes and the Hudson River. The City's prominent place within the lumber industry subsided in the mid-20th century. The City's location remained an asset as steel and iron manufacturers and chemical industries utilized the City's rail/roadway transport systems and abundant access to fresh water.

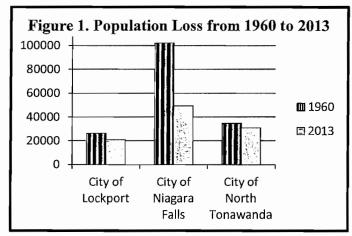
The departure of heavy manufacturing industries in the three cities left a legacy of toxic contamination that has significantly challenged Niagara County's environmental quality. The area has a long history of permitting industrial discharge of toxic wastes into local waterways and onto open lots. In 1978, Niagara Falls gained national notoriety when contamination at Love Canal caused the evacuation of hundreds of residents, and sparked the creation of Superfund.

Niagara County's community wide hazardous substance assessment grant will focus on the areas in the Cities of Lockport, Niagara Falls, and North Tonawanda with a high concentration of brownfields. The targeted communities include Census Tracts (CT) 202 and 217 in Niagara Falls (NF), CTs 229 and 232 in North Tonawanda (NT), and CTs 235 and 237 in Lockport (Lkpt).

**V.B.1.a.ii** Demographic Information - The population of Niagara County has continued to shrink with a peak population in 1960 of 242,269 people to 214,249 in 2013 (U.S. Census). Figure 1 illustrates the population loss in the three cities which is largely attributed to the drastic

reduction in manufacturing employment. With the loss of these employment opportunities, skilled workers left the County, leaving behind a higher amount of unskilled laborers. Lost manufacturing jobs were replaced by lower paying jobs in the retail and service sector.

Population information for the targeted community compared to Niagara County, NYS, and the U.S. can be found in Table 1.



**Table 1. Population Information** 

	Population <sup>1</sup>	Under 18 <sup>1</sup>	Females age 15-44 <sup>2</sup>	65 and Older <sup>1</sup>	Percent Minority <sup>1</sup>
CT 202 (NF)	2,210	18.6%	35.3%	14.2%	88.8%
CT 217 (NF)	3,287	17.3%	36.0%	16.6%	21.1%
CT 229 (NT)	2,086	16.4%	22.7%	32.3%	0.0%
CT 232 (NT)	2,830	12.3%	42.4%	15.1%	0.5%
CT 235 (Lkpt)	2,476	28.9%	30.3%	16.4%	20.5%
CT 237 (Lkpt)	2,075	19.5%	44.6%	11.1%	33.7%
Niagara County	215,869	21.5%	18.6%	15.9%	11.2%
New York State	19,398,125	22.3%	20.9%	13.5%	34.0%
National	309,137,711	24%	20.2%	13.0%	26.7%

<sup>&</sup>lt;sup>1</sup> Data from the 2012 American Community Survey (ACS)

The CTs within the three cities targeted for assessment are the most economically depressed areas in Niagara County as shown in Table 2.

Table 2. Housing and Economic Demographics

	Median	Poverty	Unemployment	Median House	Homes Built
	Household	Rate <sup>1</sup>		Value <sup>1</sup>	Pre-1980 <sup>1</sup>
	Income <sup>1</sup>				
CT 202 (NF)	\$22,685	42.3%	9.7%1	\$70,100	84.9%
CT 217 (NF)	\$34,046	22.6%	15.2% <sup>1</sup>	\$45,000	99.2%
CT 229 (NT)	\$28,444	16.1%	8.6% <sup>1</sup>	\$79,700	87.2%
CT 232 (NT)	\$30,750	21.9%	6.6% <sup>1</sup>	\$78,000	98.3%
CT 235 (Lkpt)	\$33,023	30.8%	7.5% <sup>1</sup>	\$68,200	89.2%
CT 237 (Lkpt)	\$18,679	35.4%	14.9% <sup>1</sup>	\$65,200	96.3%
Niagara County	\$47,736	13.3%	$6.1\%^2$	\$103,400	77.9%
New York State	\$57,683	14.9%	$6.6\%^2$	\$295,300	80.2%
National	\$53,046	14.9%	$6.7\%^2$	\$181,400	57.7%

Data from the 2012 American Community Survey

<sup>&</sup>lt;sup>2</sup> Data from the 2010 U.S. Census

<sup>&</sup>lt;sup>2</sup> Data from the Bureau of Labor Statistics

**V.B.1.a.iii** Brownfields - Niagara County Department of Economic Development (NCDED) maintains a county-wide inventory of brownfield sites that includes 241 hazardous substance brownfields, most of which are abandoned. Past uses include former dry cleaners, paper mills, chemical manufacturers, lumber facilities, industrial manufacturers, and military bases ranging in size from 0.1 acre to 325 acres. Past assessment work found asbestos, chlorinated solvents, heavy metals, polychlorinated biphenyls (PCBs), petroleum products, and radioactive materials.

In the City of Niagara Falls, CTs 202 and 217 cover 2,360 acres, of which 1,415 acres are brownfields. Brownfield sites include metal fabrication and battery manufacturers, chemical manufacturers, phosphorus manufacturers, and other heavy industrial facilities. In the City of North Tonawanda CTs 229 and 232 contain 1,558 acres, of which 176 acres are brownfields. Brownfield sites include lumber mills, paper mills, dry cleaners, steel mills, landfills, iron and metal manufacturers. In the City of Lockport, CTs 235 and 237 encompass 385 acres, of which 119 acres are brownfields. Brownfield sites include steel, cotton and flour mills, paper, felt and plastic manufacturers, landfills, lumber yards, and an automotive manufacturer.

A high level of vacant land, along with existing heavy industry, sets a challenging environment for redevelopment of our targeted communities. The area's strong industrial legacy continues to stigmatize Niagara County, as many people perceive all brownfield sites to be similar in nature and extent to Love Canal. The proximity of industrial uses to residential uses detracts from the quality of urban neighborhoods for residential redevelopment.

**V.B.1.a.iv** Cumulative Environmental Issues - According to Envirofacts, Niagara County has 32 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) sites, including 3 active National Priority List (NPL) sites and 5 delisted NPL sites. There are 970 Resource Conservation and Recovery Act (RCRA) sites and 11 Toxic Substances Control Act registered facilities. The NYS database lists 142 State Superfund hazardous waste sites and 23 voluntary Brownfield Cleanup Program sites. The County's petroleum inventory has 97 sites.

Through a contract with the U.S. Army, Union Carbide in Niagara Falls and Simonds Saw and Steel in Lockport refined uranium ore and forged uranium ingots and billets. This process resulted in huge stockpiles of radioactive tailings waste that contained high concentrations of radioactive elements. North of Niagara Falls is 7,500 acres of land that was used by the federal government to manufacture TNT, defense related chemicals, and bomber fuel. A portion of the site is used for storage of radioactive tailings waste. A 1981 interim report from the NYS Task Force on Toxic Substances discovered that 37 million gallons of radioactive chemical wastes from the "Manhattan Project" were injected in shallow wells near the Niagara River.

The by-product of phosphorus manufacturing in Niagara Falls, radioactive slag, was used as fill materials for road construction and development projects. A radiological survey conducted in 1986 and published by the Oak Ridge National Laboratory identified more than 60 "elevated gamma radiation anomalies" associated with properties in the County. Several road reconstruction projects and housing developments at sites not in the report encountered radioactive materials during excavation. The full extent of properties with radiological contamination is unknown.

Chemical Waste Management (CWM) is located in Niagara County and is the only commercial hazardous waste disposal site in the northeastern U.S. The facility is located within 1 mile of a

school, 2 miles from the Niagara River, and 3 miles from Lake Ontario and is adjacent to a nuclear waste storage site. CWM is proposing an expansion with a new 43.5-acre landfill that would hold more than 4 million cubic yards of toxic waste.

The remnants of Niagara County's industrial/chemical manufacturing based economy are evidenced by landfills and vacant industrial sites along the Niagara River and Eighteenmile Creek. The 102nd Street Landfill and Hooker Landfill, both on the Niagara River, contain 86,500 tons of chemical and industrial waste. Chemical contamination from PCBs, mirex, PAHs, dioxin, and pesticides has resulted in listing both the Niagara River and Eighteenmile Creek as Areas of Concern by the International Joint Commission. Contamination issues have resulted in restrictions on fish consumption, public bathing, recreation, and habitat destruction. Despite these impairments, all of the drinking water in the region is sourced from the Niagara River.

**V.B.1.b Impacts on Targeted Community -** During our heavy industrial history, most manufacturers disposed of hazardous wastes on-site in landfills or into local waterways. Liquid and sludge-like chemical wastes were dumped in open pits on the outskirts of Niagara Falls and residential neighborhoods were built over and around these pits; the most infamous neighborhood being Love Canal. The Environmental Justice movement thus ensued.

As discussed in **Section V.B.1.a.iii**, a majority of brownfield sites in Niagara County are concentrated in a few CTs. The CTs have low median incomes and the highest levels of poverty in the County. The targeted community most affected is the Highland Avenue community where of the 2,210 residents, 88.8% are minorities and 42.3% of the families are considered below the poverty level. Despite years of transition away from heavy industry, the area's strong industrial legacy continues to stigmatize the Highland community. The proximity of industry to residential without a separation zone detracts from the quality of the neighborhood.

Past assessment of area brownfield sites found asbestos, chlorinated solvents, heavy metals (especially lead), PCBs, petroleum products, and radioactive materials; contaminants that are linked to cancers, respiratory disease, heart disease, birth defects, and miscarriages. These contaminants make their way into the groundwater, surface water and air, and place populations at risk of exposure via ingestion, inhalation and/or dermal contact.

High levels of lead have been found and exposure can damage the brain and kidneys. In pregnant women, high levels of exposure may cause miscarriage. According to the New York State Department of Health (NYSDOH), children are more sensitive to the health effects of lead than adults; a blood lead level of 10 mcg/dL in children is a concern. From 2009 - 2011, 10.1 children per 1,000 in the County tested as having a blood lead level over 10 mcg/dL; the rate in NYS was 4.9 children per 1,000. Data was not available at the municipal level. As shown in Table 2, the housing stock within the targeted communities was almost all built before 1980 indicated lead paint is likely present. The lower income people occupying these homes do not have the resources for rehabilitation.

PCBs have been found in the surface soil at brownfield sites throughout the County. Research suggests that PCBs are probable human carcinogens and are linked to neurological impairments, reproductive problems, endocrine disruption, and immune system suppression. Benzene has been found mixed with other hazardous substances and can be linked to cancers, respiratory problems, and health disorders. Exposure to environmental carcinogens may be contributing to

the higher incidence of cancer in the County. Table 3 provides statistics on cancer rates from NYSDOH. Data was not available on the municipal or CT levels.

Table 3. Incidence of Cancer (per 100,000)

Type of cancer	Niagara County (2007-2011)	NYS(2007-2011)	National (2006-2010)			
Overall Occurrence	604.3	580.8	542.3			
Lung and bronchus	71.5*	55.7	55.1			
Melanoma	27*	22.2	N/A			
Urinary Bladder	55.1**	41.9	36.9			
* Statistically significant at 20 - 29% above NYS rate						
** Statistically significant at 30%+ NYS above rate						

According to the Niagara County Health Department (NCHD), the adult rate for asthma in Niagara County from 2009 to 2011 was 16.7%, compared to 9.7% in NYS. Cardiovascular disease remains the leading cause of death in the U.S. despite improvements in prevention, detection, and treatment. According to the NYSDOH, from 2009 to 2011, the County had 415.4 cardiovascular deaths per 100,000 people compared NYS's rate of 281.2 per 100,000 people.

Exposure to radioactive materials is a threat to public health. As discussed in **Section V.B.1.a.iv**, radioactive slag was used as a construction material in the County. During a road reconstruction project along Buffalo Avenue in 2010, slag material was found with radiation levels 10 times higher than background levels. Exposure to radiation can cause birth defects and cancer.

Studies have indicated that a correlation exists between the number of abandoned properties and crime rates. According to CityRating.com, the violent crime rate for Niagara Falls in 2012 was 217.74% higher than the national average and 202.18% higher than the NYS rate. The property crime rate was 108.16% higher than the national average and 209.66% higher than the NYS rate. According to a 2014 study from mylife.com, Niagara Falls is the most dangerous city in NYS.

**V.B.1.c.i** Financial Need - Economic Conditions - After the County's population peaked, industrial disinvestment created declining employment, decreasing population, poverty, abandoned factories and blight. Between 1970 and 1990, total employment in the region's manufacturing sector fell from 170,000 to 90,000, a decline of 53%. According to the U.S. Census Bureau's County Business Patterns, the County's manufacturing sector continues to decline since data collection began in 1998.

Table 4. Niagara County's Manufacturing Sector 1998-2011

	1998	2011	Number Changes	Percent Change
All Employment Sectors Jobs	67,088	58,099	-8,989	-13.4%
Manufacturing Sector Jobs	18,388	8,164	-10,224	-55.6%
Number of Manufacturing Firms	308	261	-47	-15.3%

The County has been deeply impacted by cuts in state and federal aid. NYS instituted a tax cap law that requires local governments to raise taxes annually of no more than 2% or the rate of inflation, whichever is less. Increases in Medicare costs to the County have exceeded revenue received. With the shrinking population and loss of industrial taxpayers, existing tax dollars are stretched to provide basic community services such as fire and police protection. The City of North Tonawanda is experiencing a similar financial strain.

In 2013, NYS declared the City of Lockport fiscally stressed with a 2013 deficit of \$2.35 million. As a result of the dire financial conditions, the City was forced to lay off personnel including firefighters and police. In 2014, a NYS control board took effect and all spending needs to be approved by the NYS Comptroller. A 2015 tax increase of 9.82% is unavoidable.

According to a 2014 NYS Comptroller report, "Niagara Falls has nearly exhausted its resources to avoid a fiscal crisis. The city's budget challenges stem from a number of socio-economic factors including population loss and a high unemployment rate." According to the report, the city's general fund incurred average annual deficits of \$12.4 million from 2009 - 2013.

Niagara County was impacted by severe summer storms in 2013 that inflicted flood damage in our targeted communities. The County was designated by NYS as a New York Rising community and was able to study the storm impacts. According to the July 2014 report, more than \$7 million in damage occurred in the City of Lockport. Heavy rains caused Eighteenmile Creek (NPL site) to overflow and deposit silt contaminated with PCBs, lead and chromium onto residential properties. Power loss at the Niagara Falls wastewater treatment plant resulted in the discharge of more than 100 million gallons of raw sewage into the Niagara River.

**V.B.1.c.ii** Economic Effects on Brownfields - As the industrial economic engines began the process of decline and relocation, the County was left with a significant amount of land containing environmental hazards. The three cities have seen the greatest impact resulting in blight, property vacancy, depressed property values, stagnant household income, high levels of poverty, and high crime rates.

An analysis of property vacancy conducted by NCDED resulting in the following: CT 202 has 49% vacancy, CT 217 has a 21% vacancy, CT 229 has a 13% vacancy, CT 232 has a 9% vacancy, CT 235 has a 19% vacancy, and CT 237 has a 6% vacancy. As identified in Table 2, our targeted communities have depressed property values and an older housing stock.

According to taxrates.org, the County has one of the highest median property tax rates in the U.S. and as a percentage of property value, the County has the second highest tax rate of all 3,143 counties in the U.S. According to the County's Real Property Tax Department, there are 500 tax delinquent properties of which 115 are brownfields. Back taxes owed on the brownfield sites total \$5.1 million. 23 of the sites are in Niagara Falls with \$800,000 owed in taxes and 12 sites are in Lockport with \$35,000 owed in back taxes. No sites are in North Tonawanda.

The City of Lockport's economy was heavily dependent on the automotive industry. Changes in the automotive industry forced Delphi Harrison Thermal Systems to declare bankruptcy in 2005 resulting in a loss of 6,890 jobs at the Lockport plant. Remaining workers took drastic pay cuts from \$27/hr to \$14/hr. Residents in CT 235 have born the burden of environmental pollution for over a century. Properties along Eighteenmile Creek were recently added to the NPL due to the high levels of PCBs, lead and chromium. Part of the selected remedy is to permanently relocate five families and demolish their homes.

Niagara Falls' economy was reliant on the chemical manufacturing sector until the 1960's. Over 10,000 manufacturing jobs were lost in the City from 1958 - 1963. During the 1960s and 1970s the City struggled to change its fortunes through Urban Renewal projects, attempting to reemphasize its identity as a tourist destination but suffered continuing depopulation. During the

last decade, Niagara Falls lost another 866 manufacturing jobs as remaining companies downsize or relocate. The city has yet to capitalize on its tourism potential.

From 1972-1996, many of North Tonawanda's primary employers, shut down or relocated resulting in the loss of 3,200 manufacturing jobs at companies such as Tonawanda Ironworks, International Paper, Roblin Steel, and Occidental Chemical Corporation's Durez Facility.

#### V.B.2 Project Description and Feasibility of Success

V.B.2.a.i Project Description - Niagara County is a partner of a regional consortium that in 2011 was awarded a HUD grant through the HUD-DOT-EPA Partnership for Sustainable Communities (PSC). The consortium issued a final plan in December 2014 entitled "One Region Forward" allowing stakeholders in Erie and Niagara Counties to chart a path for a more sustainable future and solve problems collectively. The plan is divided into five ideas: 1) Create great places and a thriving economy through efficient land use; 2) Connect our places by expanding and diversifying our transportation options; 3) Provide housing choices in neighborhoods that are great places to live; 4) Strengthen our food systems for a healthier population and economy; and 5) Conserve energy, promote renewable energy, and prepare for the impacts of climate change. Niagara County's assessment grant leverages PSC's investment by implementing recommendations in the plan: develop a strategy to manage brownfields, plan for neighborhood redevelopment, revitalize once great neighborhoods, and prepare for climate change.

Strategic plans developed between 2007 – 2013 include specific strategies aimed at prioritizing and revitalizing brownfield sites to encourage infill development. Among these are: 2013 Western New York Regional Sustainability Plan, 2011 Strategy for Prosperity in Western New York; 2009 Niagara Communities Comprehensive Plan; and 2007 Revisioning Brownfields: A Regional Strategic Approach.

NYS created a Brownfield Opportunity Area (BOA) Grant Program to provide communities with financial and technical assistance to complete area-wide revitalization strategies for neighborhoods impacted by the presence of brownfields. BOA grants support a variety of revitalization activities including: community visioning and public participation; existing conditions analysis; strategic site identification; economic/market studies; redevelopment feasibility assessments and site plan alternatives for specific strategic sites; infrastructure studies; marketing; local law changes; development standards and design guidelines; and other actions to spur investment in, clean-up of and redevelopment of brownfields. All of the targeted communities are included within a BOA planning study area. Each of the BOA study areas is overseen by a community based Steering Committee (BOA SC), professional consultants, and state and county representatives.

One resource lacking in the BOA program is funding to conduct Phase I and II Environmental Site Assessments (ESAs). Only a small number of sites within the targeted communities have a fully understood environmental history. For most of the sites, site characterization has not been completed. A priority task identified in the BOA plans is to conduct ESAs at strategic sites to ensure that the proposed conceptual redevelopment is appropriate.

Funding from EPA will fill this gap and advance sites so they can be redeveloped in accordance

with the community's vision. Niagara County will use grant funds to conduct Phase I and II ESAs at strategic catalytic sites that have already been identified. Through the Brownfields Working Team (BWT), which consists of a representative from each of the three cities and the County, an established site evaluation worksheet will be completed for each site and a ranking score given. The worksheets will be discussed among the team and the highest ranking sites will be assessed. It is anticipated that 14 Phase I ESAs and 4 Phase II ESAs will be completed.

V.B.2.a.ii Project Timing - Niagara County will complete the grant over a three year period.

Table 5. Timing of Key Project Activities

Project Activity	Responsible Parties	Timeframe
Environmental contractor procurement	NCDED	10/1/15 - 1/30/16
through a sealed bid process		
Completion of site evaluation worksheets and	BWT, BOA SC,	10/1/15 - 6/30/16
site rankings	Community Partners (CP)	
Distribution and approval of site access forms	NCDED	12/1/15 - 7/30/16
for sites selected for assessment		
Phase I ESAs	Environmental contractor	2/1/16 - 12/1/16
	(with NCDED oversight)	
Phase II ESAs	Environmental contractor	1/1/17 - 8/30/18
	(with NCDED oversight)	
Community involvement	BWT, BOA SC, CP	10/1/15 - 9/30/18

**V.B.2.a.iii** Site Selection - Grant funds will be used to conduct Phase I and II ESAs at strategic catalytic sites that have already been identified in each community through the BOA planning process described in *Section V.B.2.a.i*. The BWT will use an existing site evaluation worksheet to rank sites, taking into consideration factors such as environmental justice, community priority, location/size of site, redevelopment potential, infrastructure, and health impacts. The highest scored sites will be reviewed with the BOA SC and CP to ensure the most strategic sites are being selected for assessment. Prior to pursuing the assessments, site access agreements will be in place. At municipally owned sites, the municipality will grant site access. For private properties, the recorded property owner will be contacted and site access will be requested. At tax delinquent sites, a legal injunction will be issued granting site access.

It is estimated Phase I ESAs will be pursued for the 14 highest priority sites. A Brownfields Property Approval Form will be sent to EPA for site approval prior to initiating the Phase I ESAs. It is the County's intention to complete the Phase I ESAs in accordance with ASTM Standard E1527-13 and all appropriate inquiry requirements. Sites with Phase I ESA Recognized Environmental Conditions (RECs) will be considered for Phase II ESAs. It is anticipated that Phase II ESAs will be conducted at 4 priority sites.

#### V.B.2.b.i Task Description

**Task 1: Project Coordination** - NCDED will coordinate all aspects of the grant including hire and supervise project contractors; lead the BWT; coordinate public outreach and address public comments with BOA SC and CP; and attend all required brownfield trainings/meetings. The NCDED will be responsible for submitting required quarterly progress reports and financial forms within 30 days of the end of the federal reporting period.

- Personnel& Fringe Benefits NCDED staff will oversee Task 1 activities as an in-kind service utilizing funding from the County's general budget. Meeting supply costs and overhead for community outreach will be provided as an in-kind service.
- Travel Travel costs charged to the grant total \$5,000 and include staff capacity building through attendance at one national EPA Brownfield Conference, four EPA NYS Roundtable Meetings, and local travel for site visits/meetings. Requested funds will cover the cost of transportation/meals/lodging for one NCDED representative.
- Task 2: Phase I Environmental Site Assessments (ESAs) The BWT will use an existing site evaluation worksheet to rank the catalytic sites. The highest scored sites will be reviewed with the BOA SC and CP to ensure the most strategic sites are being selected for assessment. Prior to pursuing the assessments, site access agreements will be in place; once site access has been established, NCDED will submit a Property Approval Form to EPA for the 14 highest priority sites. It is the County's intention to complete the Phase I ESAs in accordance with ASTM Standard 1527-13 and all appropriate inquiry requirements.
  - **Contractual** NCDED will competitively procure environmental contractors to conduct the Phase I ESAs. Based on past experience the cost will be \$35,000 (\$2,500/site x 14 sites).
- Task 3: Phase II Environmental Site Assessments (ESAs) Sites with Phase I ESA RECs will be considered for Phase II ESAs. The Phase I ESA reports will be reviewed by the BWT and BOA SC to determine which sites have the highest likelihood of being redeveloped. Site approval from EPA will be requested for Phase II ESAs at four sites. All Phase II ESAs will include a radiation survey. The required Site-Specific Quality Assurance Project Plan (QAPP) will be drafted and once approved, fieldwork will be conducted. NCDED will ensure that Phase II ESAs are completed in accordance with current ASTM Standards and EPA guidance.
  - Contractual NCDED will competitively procure environmental contractors to conduct the Phase II ESAs. Based on past experience the cost will be \$160,000 (\$40,000/site x 4 sites).

V.B.2.b.ii Budget Table

<b>Budget Categories</b>	Task 1	Task 2	Task 3	Total
Personnel	\$ 0	\$ 0	\$ 0	\$ 0
Fringe Benefits	\$ 0	\$ 0	\$ 0	\$ 0
Travel	\$ 5,000	\$ 0	\$ 0	\$ 5,000
Equipment	\$ 0	\$ 0	\$ 0	\$ 0
Supplies	\$ 0	\$ 0	\$ 0	\$ 0
Contractual	\$ 0	\$ 35,000	\$ 160,000	\$ 195,000
Other	\$ 0	\$ 0	\$ 0	\$ 0
Total	\$ 5,000	\$ 35,000	\$160,000	\$ 200,000

**V.B.2.c Ability to Leverage** - It is anticipated that one staff person from the County will spend 10 hours/week over the three-year grant period working on grant activities resulting in an in-kind contribution of over \$50,000.

As discussed in **Section V.B.2.a.i**, all of the targeted communities are within an existing BOA study area. NYS grant amounts already secured through the BOA include the following: \$489,582 for Buffalo Avenue (CT 202); \$375,000 for Highland Avenue (CT217); \$598,450 for North Tonawanda (CTs 229 and 232); and \$437,000 for Lockport (CTs 235 and 237). The \$1.9

million secured is being used to develop comprehensive reuse plans for catalytic sites in the targeted communities. In the past the County received \$325,000 in grant funds from a private utility company for assessment and remediation of three brownfield sites. Depending upon the results of the assessments, additional funding from the utility company may be available.

NYS has a Local Waterfront Revitalization Program that could provide funding to advance strategic waterfront brownfield sites. Site assessment information can be used by the private sector to enter the NYS Brownfields Cleanup Program, which offers tax incentives for the remediation and redevelopment of brownfield sites. Some of the sites assessed with EPA funding may also qualify for either a subgrant or loan through the EPA funded Niagara County Brownfields Cleanup Revolving Loan Fund (BCRLF) program.

Additional federal resources may be sought for some sites. Niagara County is a partner in a HUD PSC grant which gives the County priority status for federal funding. Potential federal sources for brownfield remediation include EPA cleanup grants, U.S. Economic Development Administration (EDA) programs, National Oceanic and Atmospheric Administration Coastal Zone Management Program, U.S. DOT, U.S. Army Corps of Engineers and HUD.

#### V.B.3 Community Engagement and Partnerships

**V.B.3.a.i.** Community Involvement Plan - Niagara County has a Brownfields Working Team (BWT) that consists of a representative from each of the three cities and Niagara County. The BWT will oversee community involvement activities as an in-kind service.

Each of the BOA areas adopted a community involvement plan that outlines a comprehensive community outreach strategy. The plans outline strategies for incorporating local community members, project partners, and stakeholders into the planning process to ensure that citizens have the opportunity to shape the future of their community. The objectives of the plans are: share information with the public regarding the planning process; provide opportunities for the public to voice issues and concerns; and provide an opportunity for public input for the proposed revitalization of the area.

Within each of the BOAs, Steering Committees (SC) were established to guide the overall vision of the plan and its recommendations, and to discuss comments received on project related documents. The SCs meet every two months and members include local, county, and state representatives, community activists, business leaders, and interested citizens. The professional consultant teams have conducted hundreds of stakeholder meetings and interviews. More than 30 public meetings, workshops, open houses, and visioning sessions have been held to date in the targeted communities. A six-week brownfields course was held with residents in the Highland Community to help create a common understanding of brownfields and how they can be turned into assets instead of liabilities. By removing the fear of contamination, the 38 residents who took the course are now advocates for the community.

The consultant team paid through BOA funds manages all public outreach and community involvement. Results of site assessments will be incorporated into public outreach efforts to provide the public with a complete understanding of issues within their neighborhood.

**V.B.3.a.ii.** Communicating Progress - An understanding of environmental conditions at the catalytic sites is integral to ensure success of the community's vision for revitalization.

Extensive public involvement is part of the BOA process and several public meetings will be held during the assessment grant period. At each of the publicly advertised meetings, environmental data from the assessments will be incorporated into the presentations. As discussed in *Section V.B.3.a.i*, the SC and project consultant team will respond to all public comments received. Meetings are held in the evening at handicap accessible locations within the targeted communities. English is the primary language so no language barriers are expected, however, if the need for translation arises, Niagara County will provide necessary translation.

The professional consulting teams for the BOAs created dedicated websites for each targeted community that provide an overview, resources, meeting information, work products, and interactive map. Communication of site assessment results will complement existing outreach efforts by adding site assessments results to the website.

**V.B.3.b.i** Partnerships with Local/State/Tribal Environmental and Health Agencies - The Niagara County Health Department (NCHD) is the county department responsible for the protection of public health and environment and has extensive experience in the environmental health field. The NCHD assists in reviewing health related impacts associated with brownfield sites and answers questions raised on health issues or concerns.

The New York State Department of Environmental Conservation (NYSDEC) is responsible for environmental management in NYS and is consulted on all sites selected for site assessment and is provided with all of the reports produced through the County's brownfield grants.

**V.B.3.b.ii** Partnerships with Other Federal, State and Local Governmental Agencies - As discussed in *Section V.B.2.a.i*, as a partner in a HUD Sustainable Communities Regional Planning Grant, Niagara County is working closely with a cross sectional partnership of public, private, and nonprofit organizations to determine how best to target housing, economic and workforce development, and infrastructure investments to create more jobs and regional economic activity. The strong working relationship with HUD, DOT, and EPA will ensure brownfield sites are reused in accordance with the six livability principles. The County submits an annual Comprehensive Economic Development Strategy to EDA.

Niagara County, NYS Department of State, NYSDOH, and NYSDEC participate on the BOA SCs. The BOA SCs cover the targeted communities and will guide this project by helping select sites for assessment and uses the assessment results to inform reuse planning efforts.

Niagara County is a member of the five-county WNY Regional Sustainability Consortium which issued a plan in 2013 outlining the strengths of the region and goals for creating future sustainable growth. Revitalizing community centers through the remediation and redevelopment of brownfield sites is a key strategy that would benefit a broad range of sustainability goals.

V.B.3.c.i. Community Organization Description and Role - Table 7 showcases the six primary community based organizations committed to this project.

Table 7. Community Organizations Committed to the Project

Table 7. Community of Sampations Committee to the 110 jets						
Name of CBO Mission of		Specific Project Role	Contact			
	Organization		Information			
Greater Lockport	Encourage	Member of BWT; identify sites	R. Charles Bell,			

Development	economic	for assessments; disseminate	President
Corporation	development in the	information; market sites for	(716) 439-6687
	City of Lockport	redevelopment	
ReNU Niagara	Improve the quality	Assist with addressing health and	Tom Lowe,
Niagara	of life for Niagara	environmental justice concerns;	Director
University	Falls residents	community liaison	(716) 205-0289
Highland	Advocate for needs	Identify sites for assessments;	Charletta Tyson,
Community	of residents in the	community liaison; suggest site	Executive
Revitalization	Highland	reuses	Director
Committee Inc.	Community		(716) 282-2325
Chamber of	Promote business	Provide guidance from a	Joyce M. Santiago
Commerce of the	and economic	business perspective;	Executive
Tonawandas	development	disseminate information to the	Director
		business community	(716) 629-5120
Lumber City	Encourage	Member of BWT; identify sites	Michael
Development	economic	for assessments; disseminate	Zimmerman,
Corporation	development in the	information; market sites for	Executive
	City of North	redevelopment	Director
	Tonawanda		(716) 695-8580
City of North	Ensure	Environmental guidance; site	Brian P. Murphy,
Tonawanda	development	assessment input; assist with	Vice Chairman
Environmental	follows smart	sustainable remediation and	(716) 446-2288
Committee	growth principles	redevelopment efforts	

**V.B.3.c.ii.** Letters of Commitment - Letters from the six CBOs committed to the project are included in Appendix E.

#### V.B.4 Project Benefits

**V.B.4.a.i. Health and/or Welfare Benefits** - The stigma associated with Love Canal has plagued Niagara County for decades. The overriding vision for the BOAs is that out of brownfields will emerge a better quality of life for residents, greater economic opportunities for businesses and a more positive image for the community as a whole. As suggested in the BOA plans, public investment in housing renewal will improve vacancy rates, decrease blight, encourage homeowners/landlords to reinvest in their properties, and reduce lead exposure as older homes are renovated. Other social benefits expected include the creation of open space and increased opportunities for live/work/play areas. As community reinvestment is undertaken and pride is restored in the communities, a reduction of crime is also expected.

Remediating brownfield sites will eliminate health threats from direct contact, inhalation and indoor vapor intrusion of site contaminants. By addressing contamination issues it is expected that Niagara County's residents will experience improved health. A reduction in exposure to contaminants is expected to result in a decrease in the high rates of cancer, asthma, and heart disease currently afflicting residents in Niagara County.

By characterizing the contamination at waterfront brownfields, a full understanding of continued impairments impacting local waterways can be understood. Efforts are ongoing to identify sources of impairment to the Niagara River which is the drinking water source for the region.

**V.B.4.a.ii.** Environmental Benefits - Niagara County's brownfield inventory contains 241 hazardous substance sites, most of which are in the targeted communities. Past assessments have found asbestos, chlorinated solvents, heavy metals (especially lead), PCBs, petroleum products, and radioactive materials; contaminants that are linked to cancers, respiratory disease, heart disease, birth defects, and pregnancy miscarriages. Exposure to radiation has created a public panic in recent years as radioactive material was uncovered during road re-construction and excavation for a low income housing project in Niagara Falls. By conducting radiation surveys during each of the Phase II ESAs, levels of radiation will be documented and information will be incorporated into public education efforts.

For each site where a Phase II ESA is proposed, the County will submit to EPA a QAPP for review and approval that includes the measures to be taken to protect the community and nearby residents during the assessment process. Signs will be posted to educate the community on site activities. The County will implement engineering and/or institutional controls needed to protect the surrounding area. This grant will help strengthen the revitalization efforts underway through the BOA program by providing needed funding to assess the environmental condition of some of the priority brownfield sites within our targeted communities.

V.B.4.b.i Planning, Policies, and Other Tools - Through the BOA work, hundreds of specific strategies were developed to foster and implement sustainable development. Short-term strategy examples include: revising zoning codes to encourage mixed-use developments, development of design overlay districts and standards, enhancing the waterfronts to ensure a high quality public realm, and identifying infrastructure needs to redevelop catalytic sites. Mid-term examples include: implementing complete streets planning, identifying new uses for infrastructure and creating a green technology market niche. Long-term examples include: investigating alternative sources of energy to heat and cool buildings and increasing the number of people living in the targeted communities by 50 percent over the next 10 years.

The 2013 WNY Regional Sustainability Plan established policies in the following focus areas: transportation, land use, water management, energy, waste management, and agriculture. Example policies, among others, include reinvesting in existing infrastructure, adopting and implementing smart growth policies, improving regional water quality, increasing renewable energy generation, constructing green buildings, conducting green remediation whenever possible, and recycling construction/demolition materials. A strong planning and policy framework is in place and site assessments conducted through this grant will provide the environmental information needed to implement the desired sustainable redevelopment.

V.B.4.b.ii Integrating Equitable Development or Livability Principles - As discussed in Sections V.B.2.a.i and V.B.3.b.ii, the December 2014 plan developed as part of the PSC project, incorporates all six livability principles. The County's assessment grant will leverage PSC's investment by implementing recommendations in the plan including developing a strategy to manage brownfields, planning for neighborhood redevelopment, and preparing for the impacts of climate change. BOA plans include equitable development principles and outcomes. Conceptual redevelopment plans include co-op grocery stores, community gardens, pocket parks and access to greenspaces. Policies are in place to improve access to affordable housing, provide more transportation choices, and to incentivize facade improvements at existing homes and businesses. Remediation and sustainable redevelopment of brownfield sites is critical as we work to create sustainable, vibrant, and healthy communities in the County.

**V.B.4.c.i** Economic Benefits or Other non-Economic Benefits - Brownfields redevelopment will lead to job creation, increased property values for the site and surrounding properties, and an expanded tax base. The County estimates that each brownfield site has the potential to generate over \$1 million in private investment, create 50 new jobs, and create or preserve 1-2 acres of greenspace.

The sites that will be assessed under this grant have been identified as critical initiatives that upon completion have the potential to initiate investment and activity in surrounding neighborhoods. Community supported conceptual reuses have already been developed for these sites. A large tract of vacant land in the Highland Community is targeted for a green manufacturing industrial park that will bring higher paying jobs to a community that is experiencing a 42.3% poverty rate. Rebuilding the manufacturing sector in a new sustainable fashion will provide new local and state tax dollars and have a positive economic impact on the County.

Niagara County anticipates an increase in property taxes as a result of this assessment grant. Currently 115 brownfield sites are tax delinquent with \$5.1 million in back taxes. Some smaller brownfield sites are located in the middle of neighborhoods; these parcels may be suitable for playgrounds/small pocket parks. This will help address the recreational needs of area children, diverting them from vacant/abandoned buildings that currently pose a health and safety threat.

V.B.4.c.ii Planned Efforts to Promote Local Hiring and Procurement - The Highland Community Revitalization Committee, Inc. offers a free 400-hour job training program in the construction trade to area residents. On-site training is done through rehabilitation of abandoned homes in the community. Niagara County partnered with the University at Buffalo on past EPA Brownfield Job Training Grants. The program offers residents of the County an opportunity to learn the skills needed to become an environmental restoration technician. Niagara's WorkSourceOne is the largest Employment & Training initiative in the County and offers services to both local businesses and job seekers. Through this organization specialized environmental training and job placement is possible within the twenty companies in Niagara County that provide remediation and other types of environmental services and/or products.

#### V.B.5 Programmatic Capability and Past Performance

V.B.5.a Programmatic Capability - Niagara County has been an EPA brownfield grant recipient since 1998 and has received several brownfield assessment and BCRLF grants. The Project Manager, Amy Fisk, Senior Planner with NCDED, is a Certified Planner through the American Institute of Certified Planners and holds a Master's Degree in Urban and Regional Planning and a Bachelors Degree in Geology. Ms. Fisk has 13 years experience working on brownfield and planning issues, and serves as the President of the Niagara County Brownfield Development Corporation. Samuel Ferraro, NCDED Commissioner has 35 years experience in planning and economic development. Mr. Ferraro has a Bachelor's Degree in Planning and provides oversight of all county planning, economic development, and brownfields initiatives.

To acquire environmental contractors to conduct Phase I and II ESAs, the County uses a competitive bidding process, conforming to its procurement policies as well as 40 CFR Part 31. Statements of qualification and price proposals will be reviewed and selected by the BWT. Contractors who submit the lowest bona fide bids and are considered to be fully responsible and

qualified to perform the work will be selected. The Niagara County Attorney's Office provides legal assistance for obtaining site access agreements.

**V.B.5.b Audit Findings** - No adverse findings have resulted from any audits conducted by federal, state, or local governments or under audits conducted by the U.S. General Accounting Office. Niagara County has never been required to comply with any special high-risk terms and conditions in accordance with OMB Circular A-102.

**V.B.5.c.i.1 Compliance with Grant Requirements** - As the lead agency for EPA brownfield assessment grants, EPA-designated Niagara Region Brownfields Showcase Community, and BCRLF grants, NCDED is familiar with EPA rules and procedures. This project will utilize the existing grant infrastructure that already conforms to EPA policies.

Table 8. Recent EPA grants.

A WALL OF TEACHER THE BUILDING						
<b>Grant Type</b>	Funding Type	Time Frame	Funding	Status	Uncommitted	
Assessment	Hazard. Substance	2011-2014	\$200,000	Closed	\$0	
Assessment	Petroleum	2011-Present	\$200,000	Open	\$19,017	
ARRA BCRLF	Hazard. Substance	2009-2013	\$900,000	Closed	\$0	
BCRLF	Hazard. Substance	2008-Present	\$2,040,000	Open	\$584,806	
Assessment	Petroleum	2006-2012	\$200,000	Closed	\$0	

As evidenced by the successful implementation of existing brownfields grants, Niagara County has the capacity to ensure timely and successful completion of this grant. The County is in compliance with all grant requirements including submission of quarterly reports, financial status reports, and updates in the ACRES system. Niagara County continues to meet established grant milestones and is on track to achieve the expected results within the identified grant time frames. For closed out grants, acceptable final technical reports were submitted and approved by EPA.

**V.B.5.c.i.2** Accomplishments - The County has effectively used EPA brownfield grant funds to identify brownfield sites, conduct site assessments and remediate contaminated sites. Since inception of the Niagara County Brownfields Program in 1999, Phase I ESAs were done at 125 parcels, Phase II ESAs were done at 30 parcels, and 6 remediation projects were funded. Some examples of the program's success as reflected in ACRES include:

- EPA funded Phase I ESA resulted in a \$30 million private investment for remediation and redevelopment of a vacant manufacturing facility into 81 live/work loft spaces, 4-star restaurant, yoga studio, and hair stylist school.
- Site Assessments completed under the 2006 Petroleum Assessment grant resulted in two cleanup projects, \$189,968 in leveraged cleanup funding, 9.98 acres of land ready for reuse and one site redeveloped as a neighborhood pharmacy.
- ARRA BCLRF grant funding helped remediated four sites leveraged an additional \$550,000 in cleanup funding, created 10 cleanup jobs, and made 14.5 acres of land ready for reuse. Redevelopment plans are underway for all of the remediated sites.
- BCRLF grant funding leveraged \$3 million in additional cleanup funds, created 24 cleanup jobs, and made 15.9 acres ready for reuse. Active redevelopment projects include a \$14 million green industrial park, and a \$3.4 million senior housing complex.

**Appendix A: Other Factors Checklist** 

### Appendix 3 **Assessment Other Factors Checklist**

Name of Applicant:Niagara County Department of Economic Development
Please identify (with an $X$ ) which, if any of the below items apply to your community or your
project as described in your proposal. To be considered for an Other Factor, you must include

the page number where each applicable factor is discussed in your proposal. EPA will verify these disclosures prior to selection and may consider this information during the selection process. If this information is not clearly discussed in your narrative proposal or in any other

attachments, it will not be considered during the selection process.

	Other Factor	Page #
	Community population is 10,000 or less.	
	Federally recognized Indian tribe.	
	United States territory.	
	Applicant will assist a Tribe or territory.	
	Targeted brownfield sites are impacted by mine-scarred land.	
	Targeted brownfield sites are contaminated with controlled substances.	
Х	Recent natural disaster(s) (2006 or later) occurred within community, causing significant community economic and environmental distress.	6
X	Project is primarily focusing on Phase II assessments.	9
X	Applicant demonstrates firm leveraging commitments for facilitating brownfield project completion by identifying amounts and contributors of funding in the proposal and have included documentation.	9
X	Community experienced manufacturing plant/power plant closure(s) (2008 or later) tied to the targeted brownfield sites or project area, including communities experiencing auto plant/power plant closures due to bankruptcy or economic disruptions.	6
	Recent (2008 or later) significant economic disruption ( <u>unrelated</u> to a natural disaster or manufacturing/auto plant/power plant closure) has occurred within community, resulting in a significant percentage loss of community jobs and tax base.	
	Applicant is one of the 12 recipients, or a core partner/implementation strategy party, of a "manufacturing community" designation provided by the Economic Development Administration (EDA) under the Investing in Manufacturing Communities Partnership (IMCP). To be considered, applicants must clearly demonstrate in the proposal the nexus between their IMCP designation and	
	the Brownfield activities. Additionally, applicants must attach	
	documentation which demonstrate either designation as one of the 12	
	recipients, or relevant pages from a recipient's IMCP proposal which	
	lists/describes the core partners and implementation strategy parties. A core	
	partner/implementation strategy party is a local partner organization/jurisdiction	
	that will carry out the proposed strategy, as demonstrated in letters of	
	commitment or memoranda of understanding which documents their contributions, roles, and responsibilities to the partnership. EDA may provide to	

	TD 1 1 C1	
	EPA a list of the core partners/implementation strategy parties for each of the 12	
	"manufacturing community" designees, which EPA would use to verify this	
	other factor.	
	Applicant will serve an area designated as a federal, state, or local	
	Empowerment Zone or Renewal Community. To be considered, applicant must	
	attach documentation which demonstrates this current designation.	
X	Applicant is a recipient or a core partner of HUD-DOT-EPA Partnership for	7
	Sustainable Communities (PSC) grant funding or technical assistance that is	
	directly tied to the proposed Brownfields project, and can demonstrate that	
	funding from a PSC grant/technical assistance has or will benefit the project	
	area. Examples of PSC grant or technical assistance include a HUD Regional	
	Planning or Challenge grant, DOT Transportation Investment Generating	
	Economic Recovery (TIGER), or EPA Smart Growth Implementation or	
	Building Blocks Assistance, etc. To be considered, applicant must attach	
	documentation.	
	Applicant is a HUD Promise Zone community. To be considered, applicant	
	must attach documentation.	
	Applicant is a recipient of an EPA Brownfields Area-Wide Planning grant.	

## Making Sustainability Work in Buffalo Niagara Sustainable Communities Grant Consortium

CONSORTIUM AGREEMENT

#### I. Purpose

The purpose of this Consortium Agreement is to demonstrate a shared framework of understanding of the members within the Buffalo Niagara Consortium that will be working in cooperation to complete a Regional Plan for Sustainable Development (RSPD) for Erie and Niagara Counties. This framework will support the members and guide the implementation of the initiative. The Consortium Agreement is required by the U.S. Department of Housing and Urban Development (HUD), which is the primary funding source for this project. The Greater Buffalo Niagara Regional Transportation Council (GBNRTC) will act as the lead agency to implement the Making Sustainability Work in Buffalo Niagara program and will work in partnership with its fiscal agent, Niagara Frontier Transportation Authority (NFTA) to administer Cooperative Agreement #NYRIP0067-11 (Attachment A), entered into with the U.S. Department of Housing and Urban Development (HUD) and effective February 15, 2012. By signing this agreement, these signatories agree that:

- (1) They assent to goals, structures, operational protocols, and other aspects of the initiative, as described below,
- (2) They commit to fulfill the responsibilities agreed to by their organization as outlined in their Letter of Commitment (Attachment B), participate in the initiative and hold other consortium members accountable for their responsibilities, and
- (3) They will identify and implement opportunities to align their organizations with the principles and approach described in this Agreement.

#### II. Signatories

The signatories to this document include the organizations, agencies and governments that are (1) Buffalo-Niagara Consortium's lead agency and fiscal agent (2) voting members of the Steering Committee (3) sub-recipients of the HUD Sustainable Communities Regional Planning Grant:

- The Greater Buffalo Niagara Regional Transportation Council, Lead Agency and Steering Committee Member
- Niagara Frontier Transportation Authority, Fiscal Agent and Steering Committee Member
- University at Buffalo Regional Institute, Steering Committee Member and Sustainable Communities Sub-Grantee
- Erie County, Steering Committee Member
- Niagara County, Steering Committee Member
- City of Buffalo, NY, Steering Committee Member
- City of Niagara Falls, NY, Steering Committee Member
- Empire State Development, Steering Committee Member
- Buffalo Niagara Partnership, Steering Committee Member and Sustainable Communities Sub-Grantee
- Buffalo Niagara Medical Campus, Steering Committee Member
- Local Initiatives Support Corporation, Buffalo, Steering Committee Member
- Belmont Housing Resources of Western New York, Inc., Steering Committee Member

#### III. Background

The Sustainable Communities Regional Planning Grant Program is part of an effort by the Department of Housing and Urban Development (HUD), the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Transportation (DOT) to help improve access to affordable housing, provide more transportation options, and lower transportation costs while protecting the environment in communities nationwide. A set of guiding livability principles and a federal interagency partnership agreement is intended to guide their efforts in coordinating federal housing, transportation, and other infrastructure investments designed to protect the environment, promote equitable development, and help to address the challenges of climate change.

"Making Sustainability Work in Buffalo Niagara" is an initiative to promote sustainable, vibrant, and healthy communities in the region. The Buffalo Niagara Consortium members, community organizations, and leaders will be engaged in these efforts from early 2012 through 2015.

#### A. Goals and Principles

Consistent with an in addition to Federal policy, statues, executive orders and supplemental agency policies and guidance, the members of the Buffalo Niagara Consortium collaboratively seek to follow the common set of the six Livability Principles below:

- 1. Provide more transportation choices
- 2. Promote equitable, affordable housing
- 3. Enhance economic competitiveness
- 4. Support existing communities
- 5. Coordinated and leverage federal policies and investment
- 6. Value communities and neighborhoods

The following are the goals that are anticipated throughout the planning process:

- Development of a Regional Plan for Sustainable Development (RPSD) that includes a Regional Housing Plan, Climate Change Adaptation Strategy and Food Access Plan
- Creation of a Citizen Planning School to build capacity on sustainability issues and public facilitation techniques
- Region-wide outreach with a focus to include historically –underrepresented communities in sustainability planning and implementation process
- Expansion of the Erie Niagara Regional Geographic Information Systems (GIS) with platforms to incorporate a range of performance metrics and shared data capacity across agencies
- Development of a guidebook of scenario-modeling for various prototypes of development
- Creation of project-specific implementation strategies, to align ongoing catalytic projects with the emerging RPSD and the six Livability Principles
- Formation of project-specific "implementation councils" to advance strategies for key catalytic project(s)
- Execution of project-specific scenario modeling that will illustrate value of planning for sustainability

#### B. Regional Plan for Sustainable Development

HUD provided the Buffalo- Niagara Region with a "Category 1" grant to be used for, "the preparation of a Regional Plan for Sustainable Development (RPSD) that addresses housing, economic development, transportation, education, workforce development, energy, water, and environmental quality in an integrated fashion where such plans do not currently exist or where they exist but need to be significantly revised or enhanced. The RSPD will build off of the Erie-Niagara Framework for Regional Growth (2006) which provides a baseline analysis of growth conditions and patterns, identifies development areas, and recommends policies for a more livable, sustainable region.

#### IV. Organizational Structure, Roles, Responsibilities and Benefits

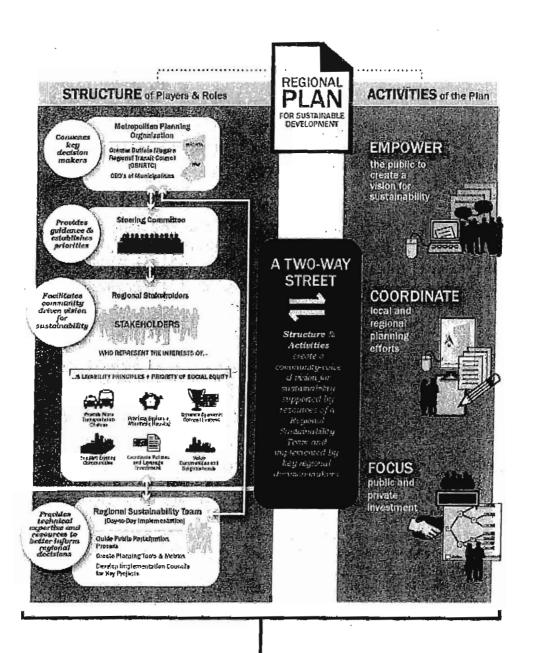
To achieve the maximum impact of this initiative, the consortium has created a collaborative network as describe in the organizational chart on the page 4. Like the project work plans, the organizational structure of the consortium is subject to change, based on feedback of its members and the results of their work.

#### A. Lead Agency

The Greater Buffalo Niagara Regional Transportation Council (GBNRTC), the Metropolitan Planning Organization for Erie and Niagara Counties is the lead agency for the *Making Sustainability Work in Buffalo Niagara* program. GBNRTC will ensure that the Consortium's work as described in the approved work plan (Attachment C) is carried out in compliance with all HUD requirements.

As the lead agency, the GBNRTC and its staff will:

- Manage the Project over its three year duration;
- Act in a representative capacity with HUD on behalf of all members of the Consortium;
- Provide staff support to the Project Team/Steering Committee;
- Coordinate Project meetings as necessary, with assistance from the Regional Sustainability Team;
- Distribute Project materials, with assistance from the Regional Sustainability
   Team:
- Make day-to-day decisions in executing the decisions of the Steering Committee;
   and,
- Complete other necessary activities to ensure Project success.



A More Sustainable Buffalo Niagara Region

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#### B. Fiscal Agent

The Niagara Frontier Transportation Authority will serve as GBNRTC's fiscal agent for the grant

As the lead fiscal agent, the NFTA and its staff will:

- Assume fiscal responsibility for the grant on behalf of the Consortium in compliance with all HUD and program requirements;
- Act in a representative capacity with HUD on behalf of all members of the Consortium;
- Enter into memorandums of understanding with any participants receiving funding from the grant to ensure, in partnership with the GBNRTC, the delivery of the required services and other deliverables.

#### **C.** Consortium Steering Committee

The Consortium Steering Committee is charged with serving as the ultimate decision making body for the *Making Sustainability Work in Buffalo Niagara* program and ensuring the project and processes are carried forward in line with HUD's expectations and providing overall guidance to development of the RPSD. This includes:

- 1. Ensuring quality implementation of the Buffalo Niagara RSPD priorities, vision and goals as stated in the work plan with a particular focus on active community engagement and outreach.
- 2. Establishing strategic direction and core principles to assist with the preparation and implementation of action plans to carry out the work.
- 3. Participating with solution-driven action and incorporating other public, private, non-profit and voluntary leaders into the conversation.
- 4. Bringing together the resources of the organizations represented on the Steering Committee to support the implementation of the Buffalo Niagara RSPD.

Steering Committee members include: the Greater Buffalo Niagara Regional Transportation Council, Niagara Frontier Transportation Authority, University at Buffalo Regional Institute, Erie County, Niagara County, City of Buffalo, NY, City of Niagara Falls, NY, Empire State Development, Buffalo Niagara Partnership, Buffalo Niagara Medical Campus, Local Initiatives Support Corporation, Buffalo and Belmont Housing Resources of Western New York, Inc.

#### D. Consortium Accountability

Steering Committee members have committed to attend the monthly meetings, carry out the Steering Committee's charge, uphold livability principles, and advance Buffalo Niagara RSPD goals.

Regular attendance at Consortium Steering Committee meetings is essential in order to maintain continuity and cohesion in the management and governance of the program. The Steering Committee makes decisions on a consensus basis and therefore requires a quorum of 2/3 of the Committee membership to conduct business. When votes are needed to clarify a decision, they must pass on a 2/3 majority.

If a member misses more than two consecutive meetings without prior notification, the member is in breach of their obligations and is liable to be removed from the Steering Committee if such a motion is made and approved by a 2/3 majority of the Committee.

#### E. Consortium Joinability

The Buffalo Niagara Consortium will continue to grow over time. It is expected that there will be interested parties not currently included in the Consortium that will either request inclusion, or that will be identified by the Consortium and asked to participate. An ongoing task will be to reach out to potential new partners and seek their membership and active involvement. Options for inclusion range from accepting written input on specific program elements, being included on a working team, participating in the Local Government Councils and Sustainability Congresses, to being named a member of the Steering Committee.

All new members must be approved by a 2/3 vote of the Steering Committee. Criteria for evaluating prospective members of the Consortium include (but are not limited to) the following:

- 1. The organization plays a leadership role in the region in an issue area closely related to sustainable development.
- 2. The organization has committed to fully participating in the consortium, as outlined in this agreement.

Every effort shall be made by the Steering Committee to recruit and include eligible groups and interested parties that have not historically been represented in regional planning efforts. Whether they be minority populations, special interest groups, or underrepresented interests, membership in the Consortium is and will remain flexible enough to enable participation and inclusion of traditionally marginalized voices.

#### F. Regional Stakeholders

As part of the RSPD process, Regional Working Teams will be formed to broaden the Consortium's knowledge base and effectively address livability principles and regional specific needs initially around the areas of Land Use/Economic Development; Transportation/Infrastructure; Climate Change; Housing; and Food Access. Each working team will be chaired by a member of the Consortium Steering Committee and include topicarea experts, "citizen champions," and neighborhood-based stakeholders. This process will ensure that the most effective voices and resources on these issues are deeply woven into the overall process and its implementation mechanisms.

#### G. Regional Sustainability Team

A Regional Sustainability Team (RST) accountable to the GBNRTC will perform the day-to-day activities of the grant. The RST will consist of technical expertise in planning, law, public participation, communications and public relations and economic development to execute specific planning activities and implementation. The Consortium's university partner (UB Regional Institute and Urban Design Project) will serve as the nucleus of the RST. The Buffalo Niagara Partnership will also serve as part of the RST and will primarily serve as advisors on economic development issues and develop and implement focused implementation strategies for developers and local economic development agents.

#### H. Benefits

Benefits for participation in the Buffalo Niagara Consortium include the enhanced ability of the region and individual communities to develop and implement the Regional Plan for Sustainable Development. By participating in the Consortium, members will be able to influence the development of plans, strategies, and tools and access those tools for their own use. In addition, members may have the potential opportunity to access additional points when being scored by HUD on applications for a broad range of funding opportunities to advance their own prosperity, livability, and sustainability goals as long as they also further the regional priorities.

#### V. Effective Date

This Consortium Agreement will become effective upon signature by the parties. The provisions of the agreement may be reviewed, as appropriate, and amended or supplemented if mutually agreed upon in writing by the parties. Unless extended by written agreement of the parties or previously terminated by agreement of a majority of the signatories, this agreement will expire at the end of the three-year grant period on February 14, 2015.

# APPROVED AS TO FORM ONLY

VI. Signatures	A557
By my signature below, my organization/agency becomes a signatory Niagara: A Partnership for Sustainable Communities in Erie & Niagar	a Counties Consortium Agreement
	By april 6.6-12
The Greater Buffalo Niagara Regional Transportation Council.	C. James L.
Name, Title, Hal Morse, Executive Director	June 12, 7002
Name; Titles hai Morse, Executive Director	Date:/
Niagapa Frontier Transpontation Authority	
Simperly Winh of	May 21, 2012
Name, Title: Kimberley A. Minkel, Executive Director	Date: //
Empire State Development	
(Mishor P. Resi	May 18, 2012
Name, Title: Christina P. Orsi, Regional Director	May 18, 2012  May 25 2012
The County of Frie A	11. 00 2010
Marcholour	May 15 2012
Name, Title: Mark C. Poloncarz, County Executive	Date:
The Educity of Nagara	
The sound villing and	15 100 200
Name, Title: William L. Ross, Chairman of Legislature	13 VVIay 70 17 Date:
City of Buffalo	6-7.12
Namo, Title: Byron W. Brown, Mayor	Date:
' '	Date.
City of Niagara Falls	m
Tea. Spis	May 15, 2012
Name, Title: Paul A. Dyster Mayor	Date:
University at Buffalo Regional Institute	ΛΛ
Lot. / My	May 15, 2012
Name, Title: Robert G. Shibley, Dean, US School of Architecture & Planning	Date: \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
Buffalo Maga <del>ra Par</del> thership	10000
Name, Title: Andrew A Rudnick, President & CEO	Date:
	Date
Buffalo Magara Wedicat Sampus	16 - 101
	Nay 15, 2012
Name/Title Watthew K. Enstice, President & CEO	Date:
Local Initiatives Support Corporation, Buffalo	
milled Clarke	May 16, 2012
Name, Title: Michael K. Clarke, Executive Director	Date: 2
Belmont Housing Resources of Western New York, Inc.	·
Edlerekabone	May 21, 2012
Name, Title: Elizabeth Huckabone, Executive Director	Date:

**Appendix B: Threshold Criteria** 

#### **Threshold Criteria for Assessment Grants**

#### **III.C.1** Applicant Eligibility

In accordance with 40 CFR Part 31, Niagara County is considered a unit of local government and is therefore eligible to apply for a community-wide brownfields assessment grant.

#### III.C.2 Letter from the State or Tribal Environmental Authority

Please refer to Appendix C for a letter from the New York State Department of Environmental Conservation.

#### **III.C.3 Community Involvement**

Niagara County has a Brownfields Working Team that consists of a representative from the County and the three cities in the County. The Working team will oversee community involvement activities as an in-kind service.

With the awarding of the first Brownfield Opportunity Area grant in 2006, residents and government have been working together to transform the targeted communities into a focus for economic growth and community renewal. The BOA program enables the community, the Cities, the County, and our partners to realize a shared vision for brownfield redevelopment, to prepare implementation strategies for restoration of environmental quality, and return dormant areas into productive uses. Each of the targeted communities is located within a BOA study area and has a Steering Committee guiding plan development. Steering Committee members includes local, county, and state representatives, community activists, business leaders, and interested citizens.

The professional consultant teams overseeing the BOA plans have conducted hundreds of stakeholder meetings with landowners and developers that have unique knowledge of the study areas. More than 30 public meetings, workshops, open houses, and visioning sessions have been held to date in the targeted communities. Extensive public involvement is an essential part of the BOA process and several public meetings will be held during the assessment grant period.

The internet has proven to be an important mechanism for distributing information to the public. The professional consulting team for the BOAs created dedicated websites for each targeted community. The websites provide an overview of the project, resources, meeting information, work products, and an interactive map. Site assessments results will be adding to the website.

More detailed information on community involvement can be found in Sections V.B.3.a.i. and V.B.3.a.ii of the narrative.

Appendix C: Letter from the State Environmental Authority

### New York State Department of Environmental Conservation

**Division of Environmental Remediation** 

Bureau of Program Management, 12<sup>th</sup> Floor 625 Broadway, Albany, New York 12233-7012 Phone: (518) 402-9764 • Fax: (518) 402-9722

Website: www.dec.ny.gov



DEC -1 2014

Mr. Samuel M. Ferraro, Commissioner
Niagara County Department of
Economic Development
Vantage Centre – Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

Dear Mr. Ferraro:

This is to acknowledge that the New York State Department of Environmental Conservation (Department) received your request dated November 25, 2014, for a state acknowledgement letter for a United States Environmental Protection Agency (USEPA) Brownfield grant proposals.

I understand that the County plans to apply for two assessment grants of \$200,000 each to conduct: county-wide Phase I and Phase II Environmental Site Assessments at hazardous substance and petroleum-contaminated brownfield sites; radiation surveys at sites in Niagara Falls and North Tonawanda; and reuse planning for priority brownfield sites throughout the County.

The Department encourages initiatives to redevelop brownfields with the goal of mitigating any environmental and health impacts that they might pose.

Sincerely,

Director

Bureau of Program Management

ec: T. Wesley, USEPA Region 2 A. Fisk, Niagara County **Appendix D: Leveraged Resources** 



# STATE OF NEW YORK DEPARTMENT OF STATE ONE COMMERCE PLAZA

ANDREW M. CUOMO GOVERNOR ONE COMMERCE PLAZA 99 WASHINGTON AVENUE ALBANY, NY 12231-0001

CESAR A. PERALES ACTING SECRETARY OF STATE

May 18, 2011

Mr. Alan B. Nusbaum City of Niagara Falls City Hall, Room 306 745 Main Street Niagara Falls, NY 14302

Subject: Brownfield Opportunity Areas (BOA) Program Grant Award

Dear Mr. Nusbaum:

On behalf of Governor Andrew M. Cuomo, I am pleased to inform you that your BOA Program application for Buffalo Ave. Industrial Corridor - Step 2 in the amount of \$403,632 has been approved.

Julie Sweet from the Department of State will be contacting you shortly to schedule an appointment to discuss the contract work plan, consultant procurement, public participation and reimbursement. For your convenience, guidance for commencing projects can be found at: <a href="https://www.nycommunities-waterfronts.com/GrantOpportunities/BrownfieldOpportunityAreas.aspx">www.nycommunities-waterfronts.com/GrantOpportunities/BrownfieldOpportunityAreas.aspx</a>

The Department of State is pleased to be able to provide technical and financial assistance under this program to support community driven revitalization and implementation strategies that establish the foundation for sound investments for improving neighborhoods so they become economically and environmentally sustainable. We look forward to working with you on this important endeavor.

Sincerely,

Cesar A. Perales

Cerm & Leigher

c: Julie Sweet



#### STATE OF NEW YORK

May 25, 2005

Honorable Vincent V. Anello Mayor City of Niagara Falls 745 Main Street PO Box 69 Niagara Falls, NY 14302

Re: Grant Award from the NYS Brownfield Opportunity Areas Program

Dear Mayor Anello:

On behalf of Governor George E. Pataki, we are pleased to inform you that the City of Niagara Falls Brownfield Opportunity Areas Program applications have been approved for the Highland Community for \$375,000 and Buffalo Avenue for \$85,950. The Departments of Environmental Conservation and State are pleased to be able to provide both technical and financial assistance under the new Brownfield Opportunity Areas Program for the preparation of community based revitalization plans to achieve brownfield redevelopment.

Elaine Miller from the Department of State, who can be reached at (607) 721-8756, will be contacting you shortly to finalize the scope of work for the State Assistance Contracts and to discuss requirements for reimbursement.

Communities across New York State recognize the importance of returning brownfields to productive use and in doing so revitalizing neighborhoods and providing new opportunities for economic growth, recreation, and natural resources restoration. Your interest and participation in this program makes New York more prosperous and improves our environment. We look forward to working with you and are pleased that the State of New York is able to assist.

Sincerely,

Randy A. Daniels Secretary of State

Acting Commissioner

Department of Environmental Conservation

ec: Thomas J. Desantis



## STATE OF NEW YORK DEPARTMENT OF STATE

ANDREW M. CUOMO GOVERNOR

CESAR A. PERALES SECRETARY OF STATE

April 4, 2012

Honorable Robert G. Ortt Mayor City of North Tonawanda 216 Payne Avenue North Tonawanda, NY 14120

Re: Brownfield Opportunity Areas (BOA) Program Grant Award

Dear Mayor Ortt:

On behalf of Governor Andrew M. Cuomo, I am pleased to inform you that your BOA application for North Tonawanda - Step 3 in the amount of \$423,450 has been approved.

Julie Sweet from the Department of State will be contacting you shortly to schedule an appointment to discuss the contract work plan, consultant procurement, public participation and reimbursement. For your convenience, guidance for commencing projects can be found at: <a href="http://www.dos.ny.gov/communitieswaterfronts/grantOpportunities/epf">http://www.dos.ny.gov/communitieswaterfronts/grantOpportunities/epf</a> boa commenceproj.html.

The Department of State is pleased to be able to provide technical and financial assistance under the BOA program to support community driven revitalization and implementation strategies to improve neighborhoods seeking economic and environmental sustainability. We look forward to working with you on this important endeavor.

Cison & Junes

Cesar A. Perales Secretary of State

cc:

Christina Orsi James Sullivan

#### **Press Release**

For Immediate Release: August 7, 2012 Contact: 518-486-9846 Info@dos.ny.gov

Secretary of State Cesar A. Perales and City of North Tonawanda Mayor Robert G. Ortt Kickoff the Implementation Strategy of the Brownfield Opportunity Areas Program in City

Secretary of State Cesar A. Perales was joined by Mayor Robert G. Ortt, City of North Tonawanda officials and local residents; to kickoff the Tonawanda Island Brownfield Implementation Strategy for the downtown and waterfront areas in North Tonawanda.

The Department of State awarded the City of North Tonawanda a Brownfield Opportunity Area grant for the implementation of an economic and environmental revitalization plan for 546 acres of land in the areas of downtown, Tonawanda Island, and industrial properties adjacent to the Niagara River.

"The Department of State has enjoyed a particularly productive partnership with North Tonawanda and your twin City of Tonawanda for over twenty-five years through the Local Waterfront Revitalization Program, and more recently the Brownfield Opportunity Areas Program", Secretary Perales stated. "The North Tonawanda Brownfield Opportunity Area (BOA) has great redevelopment potential from its availability of land and abundance of waterfront. Through an implementation of a strategic plan for brownfield redevelopment, the City is encouraging redevelopment of downtowns and main streets and developing more sustainable neighborhoods"

"This funding will allow the City to align future land use with the City's redevelopment goals, while identifying ways to improve vehicle and pedestrian safety, public access, and commercial viability", stated North Tonawanda Mayor Robert G.Ortt. "This final step will also create a comprehensive document to guide and assist the downtown and waterfront development for the City. We are extremely grateful and honored by both Governor Cuomo's and Secretary Perales' support for this next phase."

The City of North Tonawanda recently completed the Tonawanda Island Revitalization Plan previously funded through a BOA grant of \$175,000. Today's announcement kickoffs the plan's implementation made possible with a \$423,450 BOA grant.

The BOA implementation strategy focuses on riverfront development that will clean up and return brownfield and vacant sites to productive economic use. It establishes key actions and strategies to support immediate and long term redevelopment opportunities including: updated zoning and other local laws; architectural design guidelines; archeological investigations, redevelopment feasibility assessments and site plan alternatives for specific strategic sites and site marketing to attract developer interest.

The plan builds on community strengths and assets, such as recent successes at Buffalo Bolt Business Park and recent construction at the city owned marina adjacent to Gratwick Riverside Park on the Niagara River, to help redevelop brownfield property.

Over the last 25 years, the Department of State has enjoyed a particularly productive partnership with City of North Tonawanda and the adjacent City of Tonawanda on the opposite shoreline of the Niagara River and Erie Canal. Five EPF LWRP grants have been awarded to North Tonawanda and have been used to construct a 1,400 trail along the Erie Canal waterfront, together with streetscape improvements along the adjacent Sweeney and Oliver streets; design of a three mile trail along the Niagara River, to link the Erie Canal Gateway, the downtown, and existing parks along the Niagara River; and design of additional public improvements at Gateway Park to further strengthen the ability of the City to take advantage of canal-related tourism opportunities.

###

For Immediate Release: October 7, 2009

Contact: Marissa Shorenstein | marissa.shorenstein@chamber.state.ny.us | 518.474.8418 |

212.681.4640

## GOVERNOR PATERSON ANNOUNCES \$10 MILLION IN BROWNFIELD OPPORTUNITY AREAS PROGRAM GRANTS

Governor David A. Paterson today announced more than \$10 million in Brownfield Opportunity Areas Program grants for 24 projects located in communities across the State. These grants support environmental remediation, community revitalization, job creation and the expansion of the tax base in neighborhoods that have been adversely affected by multiple brownfield sites or economic distress.

"The State's Brownfield Opportunity Areas Program provides critically needed resources to transform thousands of brownfields and other dormant properties back to productive use to generate jobs for New Yorkers and revenues for local governments," Governor Paterson said. "This program lays the foundation for sustained community redevelopment by putting solid strategies and investment priorities in place."

Brownfields are dormant properties where contamination has impeded redevelopment, making them an economic and environmental drain on localities. To date, nearly 100 Brownfield Opportunity Area revitalization plans, supported by over \$14 million in State funding, are underway across New York. The program is administered by the Department of State in partnership with the Department of Environmental Conservation.

Secretary of State Lorraine Cortés-Vázquez said: "In these economically trying times, it is more important than ever to lay the groundwork for sound investment to redevelop brownfields that will benefit communities by transforming them from liabilities to community assets. These grants will assist local governments and community organizations in identifying opportunities to establish new businesses and uses that will be the catalysts for cleaning up and redeveloping sites and energizing local economies throughout the State."

State Environmental Conservation Commissioner Pete Grannis said: "These grants will help communities across the State take action to identify and eventually clean-up dormant properties. With this program, Governor Paterson is helping to revitalize communities and improve their economic security."

The Brownfield Opportunity Areas (BOA) Program provides a new area-wide approach, rather than the traditional site-by-site approach, to brownfield assessment and redevelopment. The area-wide approach enables communities to comprehensively assess existing economic and environmental conditions associated with brownfield blight and impacted areas, identify and prioritize community supported redevelopment opportunities and to attract public and private investment. Communities are using the BOA approach to attract new uses and businesses that are appropriate for their area including housing and retail, commercial, manufacturing, business incubators and public amenities such as parks or recreation facilities.

Program grants support a variety of community revitalization activities, including public

participation processes; economic and market studies; investigations to assess site contamination and environmental conditions; site-specific redevelopment plans; environmental impact assessments and statements; marketing to attract developer interest; local law changes; architectural and streetscape design guidelines; and other actions to spur investment in, clean-up of and redevelopment of brownfield sites.

The following BOA grants were awarded:

### Western New York

City of Buffalo, Buffalo Harbor - Step 2 \$540,000

The City of Buffalo will complete a Nomination for approximately 1,040-acre study area characterized with 50 potential brownfield sites that are located adjacent to Buffalo Harbor. The primary revitalization objectives include fostering sustainable commercial development, improving public waterfront access and addressing environmental justice issues.

City of Buffalo, South Buffalo - Step 3 \$1,458,000

The City of Buffalo and Buffalo Urban Development Corporation will complete an Implementation Strategy for an approximately 2,000-acre area characterized with 86 potential brownfield sites that are located in South Buffalo. The Implementation Strategy will include: development of land use implementation techniques including updated zoning regulations and urban design guidelines; creation of targeted and effective development incentives to attract desired land uses; redevelopment feasibility studies and site plan alternatives for specific strategic sites; site marketing to attract developer interest; developing a local management structure to ensure plan implementation of the South Buffalo BOA; and compliance with the New York State Environmental Quality Review requirements.

City of Dunkirk, AL Tech Site Area - Step 2 \$303,750

The City of Dunkirk will complete a Nomination for a 100-acre area located in the vicinity of the AL Tech Site near the city center. Eleven brownfield sites make up approximately 85 acres of the area. The primary community revitalization objectives include the elimination of environmental contamination and blight associated with these brownfield sites by returning them to productive use.

City of Lockport, Tourism Focus Area - Step 2 \$370,800

The City of Lockport will complete a Nomination for the 385-acre Tourism Focus Area. This area is located in the center of the City and is characterized with at least three brownfield sites. The primary community revitalization objectives include: eliminating environmental contamination and blight associated with these brownfield sites; fostering economic growth in terms of new business, jobs, and an expanded tax base; and, enhancing tourism opportunities associated with the Erie Canal.

City of Rochester, Lyell-Lake-State Street - Step 2 \$214,509

The City of Rochester will complete a Nomination for the Lyell-Lake-State Street area, which is a 394-acre area with approximately 270 potential brownfield sites. These sites are located in the



#### STATE OF NEW YORK

May 25, 2005

Honorable Michael W. Tucker Mayor City of Lockport One Locks Plaza Lockport, NY 14094

Re: Grant Award from the NYS Brownfield Opportunity Areas Program

Dear Mayor Tucker:

On behalf of Governor George E. Pataki, we are pleased to inform you that the City of Lockport Brownfield Opportunity Areas Program application has been approved for \$70,000. The Departments of Environmental Conservation and State are pleased to be able to provide both technical and financial assistance under the new Brownfield Opportunity Areas Program for the preparation of community based revitalization plans to achieve brownfield redevelopment.

Elaine Miller from the Department of State, who can be reached at (607) 721-8756, will be contacting you shortly to finalize the scope of work for the State Assistance Contract and to discuss requirements for reimbursement.

Communities across New York State recognize the importance of returning brownfields to productive use and in doing so revitalizing neighborhoods and providing new opportunities for economic growth, recreation, and natural resources restoration. Your interest and participation in this program makes New York more prosperous and improves our environment. We look forward to working with you and are pleased that the State of New York is able to assist.

Sincerely,

Randy A. Daniels Secretary of State

Acting Commissioner

Department of Environmental Conservation

cc: Gary M. Andes

# **Appendix E: Letters of Commitment from Community Organizations**



December 16, 2014

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Samuel M. Ferraro, Commissioner Niagara County Department of Economic Development Vantage Center, Suite One 6311 Inducon Corporate Drive Sanborn, NY 14132

## **RE: USEPA Brownfields Grant Application Support Letter**

Dear Mr. Ferraro,

I would like to take this opportunity to express my support for Niagara County's grant applications to the USEPA Brownfields Assessment program. The Greater Lockport Development Corporation (GLDC) is a 501(c)(3) not-for-profit organization whose mission is to encourage economic development within the City of Lockport.

The GLDC is very familiar with brownfield issues and is an active participant in the New York State Brownfield Opportunity Area (BOA) grant awarded to the City of Lockport. The BOA grant is providing the City of Lockport with an opportunity to develop a master plan for revitalizing our brownfield sites and vacant and underutilized properties. Through the BOA, our community is developing a vision for brownfield redevelopment and formulating implementation strategies for achieving that vision. In the BOA Tourism Focus Area Draft Nomination Study issued in July 2013, 52 brownfield sites were identified in our downtown study area.

An important part of our BOA implementation we need to conduct site assessments on key brownfield sites to ascertain the extent to which the properties are contaminated. The Niagara County USEPA assessment grants can help us achieve this objective by providing the necessary funding for these site assessments. Results of the site assessments will help provide critical information on which sites have the highest and best reuse potential.

The GLDC has intimate knowledge of the needs in the City of Lockport and will help Niagara County identify strategic sites that should receive site assessments as part of the USEPA assessment grant program and will help disseminate relevant information from the site assessments to our constituents. After site assessments are completed, the GLDC will be able to use the information collected to help market the sites for redevelopment or for sites where additional assessment is necessary, other funding sources can be explored for conducting the required assessments.

I look forward to continue working with Niagara County to address brownfield issues in the City of Lockport. If you have any questions in this regard, please feel free to contact me at (716) 439-6687.

Thank you.

Sincerely,

R. Charles Bell, President

Greater Lockport Development Corporation



December 11, 2014

Samuel M. Ferraro, Commissioner Niagara County Department of Economic Development Vantage Center, Suite One 6311 Inducon Corporate Drive Sanborn, New York 14132

RE: Brownfield Grant Support Letter

Dear Mr. Ferraro:

Niagara University is deeply committed to the social, economic and physical revitalization of the Buffalo-Niagara region. In November 2005, Niagara University received a federally funded grant through the Department of Housing and Urban Development (HUD) Office of University Partnerships (OUP). With this funding, NU established ReNU Niagara, a community outreach partnership center (COPC) on Main Street in Niagara Falls.

The mission of the ReNU Niagara was to improve the quality of life for Niagara Falls residents by initiating and supporting asset based, target activities in partnership with community leadership. COPC addressed the urgent multidirectional urban problems of community capacity building, economic development and employment, and environmental justice and health.

As a cornerstone of NU's active engagement in the community and through its work with faculty, staff and collaborative partners, ReNU Niagara completed projects to address urgent community needs and challenges. Examples include the establishment of community vegetable gardens, tax preparation assistance, resident and organizational training (entrepreneurial, business development, fundraising, nonprofit management), and GIS asset mapping.

The Highland Greenfields project and the 2008 "Keeping it Green" community garden project were instrumental in shaping ReNU Niagara's future programs and services. These two projects clearly demonstrated ReNU Niagara's ability to mobilize an entire community of residents, bring people together from different neighborhoods and different age groups, build human and social capital, identify different assets in the community and leverage resources. ReNU Niagara became recognized as a trusted partner in Niagara Falls by local nonprofits, community-based organizations and residents as an individual program that is willing to take on "out of the box" projects and connect others to neighborhood improvement resources.

Niagara Falls has an abundance of vacant lots and brownfield sites that are detracting from the quality of life in many low income neighborhoods. As a trusted partner in the community, ReNU Niagara can assist in the brownfields assessment grant by providing information on sites that are important to the community and sites that can address environmental justice and health concerns. We will also serve as a liaison to the community by sharing environmental information from site assessments with residents and businesses. By understanding environmental conditions at sites in the City we can help others make more informed decisions regarding redevelopment options that can be pursued at the different types of sites.

I wish you success with your grant applications. If you have any questions, please feel free to contact my office at (716) 205-0289.

Sincerely,

, i -

Tom Lowe, Director

ReNU Niagara



# Highland Community Revitalization Committee, Inc.

"HCRC...Revitalizing...1 person...1 home...1 block at a time."
2616 Highland Avenue, Suite 101
Niagara Falls, NY 14305
Phone: (716) 282-2325 Fax: (716) 524-2672
www.HighlandNiagara.org

December 10, 2014

Samuel M. Ferraro, Commissioner Niagara County Department of Economic Development Vantage Center, Suite One 6311 Inducon Corporate Drive Sanborn, New York 14132

**Dear Commissioner Ferraro:** 

Highland Community Revitalization Committee, Inc. (HCRC) is a grassroots organization that works with members of the community and in partnership with civic, business and other sources to rebuild and restore the Highland area. One of our objectives is to advocate the needs of area residents to city and local agencies to attract needed help and resources to rebuild and restore the Highland area. We advocate the needs of area residents to city and local agencies to attract needed help and resources, and promote pride in the Highland area by seeking ways to bring the community together with the purpose and goal of advancement for all. The community in which we service is located in the County of Niagara, City of Niagara Falls, with almost forty percent of the acreage having been determined to be brownfields. Many of these former industrial sites are immediately adjacent to the residential community and it is of major importance to address the environmental hazards posed to surrounding communities.

The City of Niagara Falls and HCRC received a significant New York State Brownfields
Opportunity Area (BOA) grant to conduct an in-depth analysis of existing conditions, opportunities, and
reuse potential of properties located within the Highland Area. The goal of the BOA program is to
develop community wide planning and implementation strategies for redeveloping brownfields through
a community-driven process. The final master plan completed in the fall of 2010 identified 76 sites
consisting of multiple parcels that are still in need of site assessment.

With the Highland community having numerous brownfields within its community, partnerships with area municipalities are of utmost importance to not only address environmental issues, but also in the planning of the redevelopment of these sites. Adequate funding to assess these sites is a major component in implementing the plan for the future reuse of these areas.

To this end, HCRC supports Niagara County's grant applications to the USEPA Brownfields Assessment program. HCRC will assist by suggesting priority sites in the community that are in need of assessment and will provide residents with information gleamed from the assessments. By



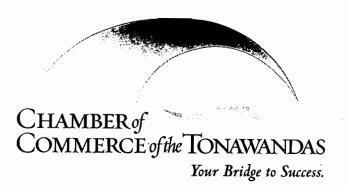
understanding the environmental issues at sites within our community we can work with residents to find the best site reuses.

If you should have any questions in this regard, please feel free to contact my office at (716) 282-2325.

Sincerely,

Charletta Jyson
Charletta Tyson

**Executive Director** 



December 8, 2014

Samuel M. Ferraro, Commissioner Niagara County Department of Economic Development Vantage Centre – Suite One 6311 Inducon Corporate Drive Sanborn, New York 14132

RE: BROWNFIELD ASSESSMENT GRANT APPLICATION SUPPORT LETTER

Dear Mr. Ferraro:

I would like to take this opportunity to offer my support for Niagara County Department of Economic Development's brownfield grant applications being submitted to the United States Environmental Protection Agency.

The Chamber of Commerce of the Tonawandas is a membership organization that provides a strong source of services, support and networking for business and industry in the Tonawandas. We create a positive environment for continuous improvement of our business climate through our proactive involvement with government, community and education leaders. We vigorously promote business and economic development to enhance the quality of life in our community.

As a member of the North Tonawanda Brownfield Opportunity Area Steering Committee, I understand the importance of brownfield sites to the overall revitalization of the City of North Tonawanda. In this capacity, I will provide input on which sites should be assessed from an economic development perspective and disseminate site information to our membership. The environmental knowledge that will come from the site assessments can be used by our members to make more educated decisions on reinvestment and redevelopment options for priority sites within the City.

I look forward to working with Niagara County to address brownfield issues in the City of North Tonawanda. If you have any questions, please do not hesitate to contact me at 716-692-5120.

Thank you.

Sincerely,

Joyce M. Santiago Executive Director Your Partner in Success

December 3, 2014

Samuel M. Ferraro, Commissioner Niagara County Department of Economic Development Vantage Center, Suite One 6311 Inducon Corporate Drive Sanborn, NY 14132

**RE: USEPA Brownfields Grant Application Support** 

Dear Mr. Ferraro,

I would like to take this opportunity to express my strong support for Niagara County's \$200,000 grant application to the USEPA Brownfields Assessment program. The Lumber City Development Corporation (LCDC) is a 501(c) 3 not-for-profit organization whose mission is to encourage economic development within the City of North Tonawanda.

For over ten years we have worked closely with Niagara County on the assessment, remediation and redevelopment of brownfield sites throughout the City. As you recall through Niagara County's brownfields assessment program a Phase I Environmental Site Assessment was conducted at the Remington Rand site in the City. The LCDC actively marketed the brownfield site and a private developer purchased the property and enrolled in the New York State Brownfields Cleanup Program. A \$30 million investment has turned the once former manufacturing site into the Remington Lofts, a thriving work-live apartment complex with 81 luxury units, an upscale steak and seafood restaurant, a yoga studio and hairstylist school.

LCDC is coordinating a New York State Brownfields Opportunity Area (BOA) grant focused on the waterfront areas in the City. The USEPA and NYS funded Niagara Strategic Brownfields Waterfront Plan completed by Niagara County was used as the foundation for our BOA grant application and further characterizes the extent the City has been able to build upon the County's brownfield efforts. The City is currently entering Step 3 of the BOA program and is developing an implementation plan to address the City's brownfield issues. With the assistance of grant funding from the Niagara County brownfields program to conduct site assessments, the visions outlined in our implementation plan will become a reality.

The LCDC is looking forward to continuing our excellent brownfields relationship with Niagara County by helping implement the proposed USEPA brownfields assessment grant. Specifically, the LCDC will help Niagara County select priority sites within the City that should be targeted for assessment and will help relay the findings of the assessments back to the North Tonawanda community. In addition, the LCDC will provide Niagara County with an opportunity to discuss grant activities during BOA Steering Committee meetings.

If you have any questions in this regard, please feel free to contact me at (716) 695-8580.

Thank you.

Sincerely,

Michael Zimmerman Executive Director



Environmental Committee 216 Payne Avenue North Tonawanda, NY 14120

de

December 3, 2014

To:
Samuel M. Ferraro, Commissioner
Niagara County Department of Economic Development
Vantage Centre – Suite One
6311 Inducon Corporate Drive
Sanborn, New York 14132

RE: BROWNFIELD ASSESSMENT GRANT APPLICATION SUPPORT LETTER

Dear Mr. Ferraro:

As the Vice Chairman of the City of North Tonawanda Environmental Committee, I would like to take this opportunity to offer my support for two brownfield assessment grant applications being submitted to USEPA by the Niagara County Department of Economic Development.

The City of North Tonawanda Environmental Committee is a group of citizen volunteers who review projects and offer environmental opinions on proposed development in North Tonawanda. The goal of the committee is to ensure that future growth in the City is done in accordance with smart growth principles and is sustainable. The committee is also actively involved in green infrastructure projects throughout the City, most notably the Manhattan Street Parking Lot Rain Gardens. This Bioretention project is the largest of its kind in western New York and is something for the City of North Tonawanda to be proud of. It can be an educational opportunity for other cities and groups which may be interested in starting a similar project, and is a benefit to the community and its environment.

Our organization is a member of the North Tonawanda Brownfield Opportunity Area Steering Committee and provides environmental guidance and citizen input into the brownfield planning process. We will be happy to continue providing our input for the proposed brownfield site assessments. We will bring site information back to the other members of the committee and will suggest ways to ensure sustainable brownfields remediation and redevelopment once assessment work is complete.

Thank you for your efforts to help address brownfield issues in North Tonawanda. I can be reached at work 8 - 4:30 at (716) 446-2288; or after hours on mobile: (716) 548-1143, if you need anything further or have any questions of me.

Buan P. Muyda

Brian P. Murphy, Vice Chairman

City of North Tonawanda Environmental Committee